



Attorney Docket No.: 43888-274
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Yuu INATOMI, et al. : Customer No.20277
Serial No.: 10/648,271 : Confirmation No.: 5210
Filed: August 27, 2003 : Group Art Unit: 1745
For: ELECTROCHEMICAL DEVICE : Examiner: LAURA S. WEINER

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 16, 2006, having a shortened statutory period for response set to expire July 16, 2006, wherein the Examiner required restriction between the following distinct Species:

- Species 1* - compound cited in claim 2;
- Species 2* - compound cited in claim 3;
- Species 3* - compound cited in claim 4;
- Species 4* - compound cited in claim 5; and
- Species 5* - compound cited in claim 6.

The Examiner also required an election of a single *Species* and further requested that:

If *Species 1* is elected, that we further define R3, R4, R5 and R6;

If Species 2 is elected, that we further define X and R7 and R8;

If Species 3 is elected, that we further define X and Y; and

If Species 4 is elected, that we further define R9 and R10.

In addition, the Examiner requested to identify whether the compound comprises a polymer having a plurality of structures (see claim 7). If so, then the Examiner requested to specify whether:

- the compound has a polyacetylene chain as a main chain (see claim 8);
- the polymer compound forms a film (see claim 9).

Applicants elect, without traverse, Species 3, with claims 7-14 and 25-28 readable thereon, for initial prosecution on the merits. Applicants define X and Y in Formula (4) as "a sulfur atom or a oxygen atom". When X and Y are oxygen or sulfur atoms, the X and Y each have an electron orbital perpendicular to the molecular plane of the compound (4). The electron orbital perpendicular to the molecular plane allows π electrons to delocalize over the molecular plane. This delocalization is important to give the a function of electron donation or acceptance to the compound.

Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this

communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: July 17, 2006

By: Bernard P. Cold Reg. No. 46,429
Michael E. Fogarty
Registration No.: 36,139
for

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087